

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

MARY E. LESKINEN

Plaintiff, **JURY TRIAL**

v.

CIVIL ACTION NO
1:07-cv-03305-CCB

PORTFOLIO RECOVERY ASSOCIATES, L.L.C.

Defendant.

SEPTEMBER 4, 2012

COMPLAINT

1. Plaintiff seeks relief pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692; Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act. § 14-204 et seq. ("MCDCA"); and the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.
2. The Court's jurisdiction is conferred by 15 U.S.C. 1692k and 28 U.S.C. 1331 and 1367.
3. Plaintiff is a natural person who resides in Leonardtown, MD.
4. Plaintiff is a consumer within the FDCPA.
5. Defendant is a debt collector within the FDCPA and has a principal place of business located at 1013 CENTRE RD, WILMINGTON, DE 19805.

6. Defendant communicated with plaintiff or others on or after one year before the date of this action, in connection with collection efforts with regard to plaintiff's disputed personal debt.

7. Defendant filed suit on a time barred debt.

8. Defendant's own records attached as an exhibit "statement of account" to their state court law suit filed in the District Court of Maryland for Saint Mary's County case no. 040300004572012, shows a date of last payment of April 3, 2009 and a date of charge off listed the month before March 13, 2009. See Exhibit 1.

9. Defendant misrepresented the amount, character and legal status of plaintiff's disputed personal debt.

10. Plaintiff, Ms. Leskinen's last payment according to the original creditor, Citi-Bank, and exhibits produced by Defendant PRA was dated March 2, 2009. See Exhibit 2 (Citi Bank-AT&T Universal Card Monthly Bill)

11. PRA falsely stated in their state court complaint filed against Ms. Leskinen that the date of last payment was April 3, 2009. See Exhibit 3

12. Defendant filed the District court lawsuit on April 4, 2012, after the three (3) year statute of limitations had passed.

13. Plaintiff made her monthly payment to the original creditor by online checking with Navy Federal Credit Union. Her last monthly payment to the original creditor was made on December 5, 2008 for \$200. See Exhibit 4

14. The original creditor (Citi-Bank) mailed a letter to the Plaintiff; Ms. Leskinen dated February 26, 2009 stating that they intended to charge off her account. See Exhibit 5.

15. In the collection efforts, the Defendant violated the FDCPA, *inter alia*, section 1692e and f.

SECOND COUNT

16. The allegations of the First Count are repeated and realleged as if fully set forth herein.

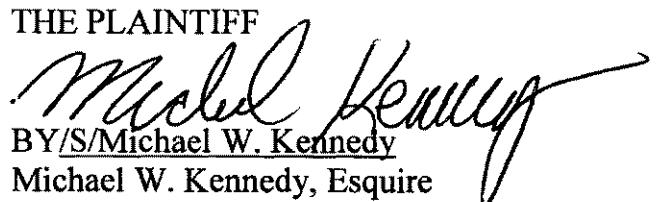
17. Within three years prior to the date of this action Defendant has engaged in acts and practices as to plaintiff in violation of the Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act § 14-204 et seq. ("MCDCA").

18. Defendant has committed unfair or deceptive acts or practices within the meaning of the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.

WHEREFORE plaintiff respectfully requests this Court to:

1. Award plaintiff such damages as are permitted by law both compensatory and punitive, including \$1,000 statutory damages for each communication against the Defendant;
2. Award the plaintiff costs of suit and a reasonable attorney's fee;
3. Award declaratory and injunctive relief, and such other and further relief as law or equity may provide

THE PLAINTIFF


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